

HEATHER E. WILLIAMS, CA Bar #122664
Federal Defender
LAURA MYERS, IL Bar #6338417
Assistant Federal Defender
Office of the Federal Defender
2300 Tulare Street, Suite 330
Fresno, CA 93721-2226
Telephone: (559) 487-5561
Fax: (559) 487-5950

Attorneys for Defendant
PORFIRIO GUTIERREZ

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
PORFIRIO GUTIERREZ,
Defendant.

Case No. 1:23-cr-00034-JLT

**STIPULATION TO CONTINUE SENTENCING
HEARING; ORDER**

IT IS HEREBY STIPULATED, by and between the parties through their respective counsel, Assistant United States Attorney Arin Heinz, counsel for plaintiff, and Assistant Federal Defender Laura Myers, counsel for Porfirio Gutierrez, that the sentencing hearing scheduled for November 13, 2023, may be continued to November 20, 2023, at 10:00 a.m.

On August 31, 2023, Mr. Gutierrez made an initial appearance for an allegation of a violation of his supervised release. On October 12, 2023, he entered an admission to the charge. Sentencing was set for November 13, 2023.

The probation officer filed a dispositional memorandum on November 6, 2023. Subsequently, defense counsel made an appointment to speak with Mr. Gutierrez to review the dispositional memorandum and prepare for the upcoming hearing, scheduled for the morning of November 8, 2023. Shortly before the appointment time, the jail notified defense counsel that Mr. Gutierrez was in the hospital.

Due to uncertainties regarding his current status, as well as counsel's inability to speak with him as scheduled, a continuance of the sentencing hearing in this case is in the interest of justice and reflects the most judicious use of the Court's resources. This brief continuance will provide defense counsel with the necessary time to ensure that Mr. Gutierrez is fully prepared and able to be transported to Fresno for the hearing.

The parties have consulted with Mr. Gutierrez's probation officer, who has indicated that she is available on November 20.

Respectfully submitted,

HEATHER E. WILLIAMS
Federal Defender

Date: November 8, 2023

/s/ *Laura Myers*
LAURA MYERS
Assistant Federal Defender
Attorney for Defendant
BRUCE FRASER ARMSTRONG

PHILLIP A. TALBERT
United States Attorney

Date: November 8, 2023

/s/ Arin Heinz

ARIN HEINZ
Assistant United States Attorney
Attorney for Plaintiff

ORDER

IT IS SO ORDERED. The sentencing hearing currently set for November 13, 2023, is hereby continued to November 20, 2023, at 10:00 a.m.

IT IS SO ORDERED.

Dated: **November 8, 2023**

Jennifer L. Thurston
UNITED STATES DISTRICT JUDGE